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AUTHOR Carney, John J., Jr.
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ABSTRACT

The exercise of freedom of speech within our nation has deteriorated. A practical value in teaching free speech is the possibility of restoring a commitment to its principles by educators. What must be taught is why freedom of speech is important, why it has been compromised, and the extent to which it has been compromised. Every technological advance in the area of communication over the past 100 years has had the effect of compromising and diluting the peoples' freedom of speech. Linked to this we find that the average citizen covets the privilege of being heard while denying the liberty to others. In addition, our young, the most "media frustrated" generation of all, engage in the "new heckling," which is countreproductive to communication. (EE)

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THEORETICAL VALUE IN TEACHING FREEDOM OF SPEECH

Paper Presented During
Session Entitled: "Teaching Freedom of Speech -- Several Methodologies"

At Conference of: Speech Association of the Eastern States

Place: New York City

Date: March 10, 1973

By: Prof. John J. Carney, Jr.
Department of Speech
State University College
Oneonta, N. Y. 13820

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I am here to some extent under false pretenses. I'm not going to talk about the "theoretical value in teaching freedom of speech", I'm going to talk about the very practical and very real need for teaching freedom of speech in our schools.

My point is very simple. There just may be -- may be -- some value in teaching something called "freedom of speech", in hopes of restoring some degree of free speech in the Republic. I'm not sure.

Now, if that sounds like I'm screaming -- quietly screaming -- police state! -- or, dictatorship! -- or, more contemporary, down with the monarchy!! -- you're wrong! I don't think freedom of speech is being destroyed, or has been destroyed, by any well-planned conspiracy by any particular segment of our society; political, governmental, economic, educational, or what have you. I think freedom of speech is rotting to death. And it has been, for a long time. And I think it's rotting to death because a lot of people, including many who ought to know better, don't really even begin to understand the concept as it relates to our form of government, and therefore, have no commitment to it.

If there is any value to teaching freedom of speech, theoretical, practical or otherwise -- if it isn't too late-- the most important value may lie in the knowledge, and hopefully commitment, gained by those doing the teaching. And what has to be taught -- and learned -- by student and teacher alike, is; what "freedom of speech" means, why it is important, why it has been compromised, and the extent to which it has been compromised. And with all that under the belt, maybe

some thought can be given to reversing the trend.

What I propose to do right now is to begin -- just begin -- to get you thinking about some of these points. And I don't care whether you agree or disagree with what I say. I ask only that you consider what I suggest.

In 1889, a young political scientist wrote:

> Discussion is the greatest of all reformers. It rationalizes everything it touches. It robs principles of all false sanctity and throws them back upon their reasonableness. If they have (italics mine) no reasonableness, it ruthlessly crushes them out of existence and sets up its own conclusions in their stead. (Woodrow Wilson, The State. Elements of Historical and Practical Politics, Boston: D. C. Heath, 1889, p. 126.)

That sounds like something a lot of people have said. It sounds like something Aristotle probably said. In fact in 1955 another political scientist, or political observer and journalist, said approximately the same thing and referred to Aristotle. He said:

> Freedom of speech has become a central concern of the western society because of the discovery among the Greeks that dialectic . . . is a principle method of attaining truth, and (italics mine) particularly a method of attaining moral and political truth. 'The ability to raise searching difficulties on both sides of a subject will', said Aristotle, 'make us detect more easily the truth and error about the several points that arise'. The right to speak freely is one of the necessary means to the attainment of the truth. That, and not the subjective pleasure of utterance is why freedom of speech is a necessity (italics mine) in the good society. (Walter Lippmann, Essays in the Public Philosophy, Boston: Little, Brown, 1955, p. 124)

But further,

> The right to utter words, whether or not they have meaning, and regardless of their truth, could not be a vital interest of a great state

> state but for the presumption that they are the chaff which goes with the utterance of true and significant words. (Lippmann, p. 124.)

Which is what Jefferson said in his First Inaugural Address, March 4, 1801, when he said:

> If there be any among us who would wish to dissolve this union or to change it's republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it.

Incidentally the writer in 1889 was Woodrow Wilson. And the writer sixty-five years later -- Walter Lippmann.

And what all of these people were saying, and what they believed in -- at least idealistically -- in their more rational moments, was that "free speech", really free speech, implies -- demands -- exists -- only when you have; discussion, argument, debate -- two or more sides, an exchange of ideas, give and take. And so they were also saying that there isn't any freedom of speech for anyone, unless there is free speech for everyone. And they were saying something else. That any attempt at a form of government we call democracy, any attempt -- is impossible without free speech. It's tough enough with it, but impossible without it.

Well what's happened to the freedom of speech??? A lot of things -- almost all bad. The first thing that happened, I mean the very first thing, I mean the eighteenth century thing -- was apathy. This country was born of town meetings, congresses and committees, a House of Burgesses, and public meetings. Freedom of speech wasn't a cliché. It was a fact. With its detractors of course, but a fact nevertheless. So

why worry about it? And nobody did!

Some of our statesmen would be educated to the meaning of the term. But most people would not. You have read about the history of speech education in the United States in the nineteenth century, or the lack of it. Or read Van Wyck Brooks, in The Flowering of New England, (p. 24-26) talking about John Quincy Adams who taught rhetoric and oratory at Harvard, but dreamed of being a Shakespearean critic. I am saying that the first compromise of the freedom of speech, the first decay, began to spread -- very early, because nobody believed it could. Because nobody saw any reason to innoculate against it.

And barely had the men who believed in, and understood, the concepts of democracy -- and free speech, passed to their reward, then the second compromise appeared. And that compromise -- was technology. Read Robert Oliver's description of

> ...ambitious politicians ... on horseback or in buggies, travelling red-banked roads, ready whenever they saw a group or could assemble one to spit dust from their mouths and pour forth streams of extemporaneous oratory. (History of Public Speaking in America, Boston: Allyn & Bacon, 1965, p. 183.)

You have only to read that to know that even if the meaning of free speech wasn't always being explained in the early 1800's, it was being practiced. It was a real force. Until -- that is, the arrival of technology and a concurrent population growth. I don't want to belabor this point, but if you agree that the freedom of speech that Jefferson talked about, that Wilson talked about, that Zechariah Chafee wrote about so eloquently, (Professor, Harvard Law School, author of Free Speech in the United States, Cambridge: Harvard University Press, 1948.) depends on exchanges of ideas, depends on

response, on give and take argument, then -- if you think about it, I don't see how you can help but agree that every technological advance in the area of communication -- over the past one hundred years, has had the effect of compromising, of diluting, the freedom of speech. Of helping it to rot. And I'm not talking just about the currently popular target, television -- I'm talking about; the train, the airplane, the radio, the newsreel - film, and then -- television. And I'm not saying that's how it had to be. And I'm certainly not advocating a return to the early nineteenth century. I'm saying -- that's the way it is!

And the results? Even further compromises. For instance, linked to the tremendous frustration sometimes created especially by the electronic media -- currently, we have the individual, Mr. Average Citizen, even though he cannot articulate what Mr. Jefferson articulated, even though, because of the situation we have worked ourselves into, he probably doesn't even agree with what Mr. Jefferson said -- we have Mr. Average Citizen still wanting to be heard. It's what he (Mr. Average Citizen) calls his "individual rights". The only trouble with individual rights of this kind is that they are so individual, so personal, that Mr. Average Citizen doesn't want to share them with other individuals.

And one result is "the new heckling". Or what some other people call -- anti-communication. I'm not talking about traditional heckling that has been accepted as a way of expanding, of broadening communication. I'm talking about the kind

of heckling that has been predominant in this country in recent years, incidentally, often executed by the young -- the most media frustrated generation of all. And this kind of heckling has been viscious, unyielding, and has served the purpose of ending communication, of turning off the spigot.

And this same media-induced frustration leads to another problem. I'm talking about the confusion of free speech and symbolic behavior. And the first thing that a lot of people have to learn is that free speech and free symbolic behavior are not the same thing. Symbolic behavior, other than speech, can certainly serve rhetorical functions. And symbolic behavior, other than speech, can certainly be defensible. In fact if free speech is dead, or as dead as some people think it is, other kinds of symbolic behavior may be all that is left to us. But when all symbolic behavior is defended as free speech, the same free speech that Jefferson or Wilson talked about, then we only hasten the putrefaction -- the decomposition.

So where are we? Let me tell you where I think we are. And think about it. I think more and more we exist in a society where the phrases; "freedom of speech", and the closely related -- "freedom of the press", are treated as antiquated, meaningless slogans -- the real meaning of which is explored only in meetings like this, by members of the same profession incidentally that has perpetuated contest debating for half a century. Or by the occasional journalist who really believes issues should be debated, openly, and

tries to provide the information so that people can do just that, and who gets harrassed or fired or slapped in jail for doing so. In fact I think we owe something to the journalists. It is after all Cronkite and Reasoner, on college campuses and public meetings across the country, and Eric Sevareid, trying to breathe life into the slogans during his sixty second commentary -- it is these people who still defend freedom of speech to the nation -- while we talk to each other.

And beyond the journalists? Who believes in free speech? The media, especially the broadcasting hierarchy? Network executives? Mr. Johnson said it yesterday. (F.C.C. Commissioner, speech given to 1973 SAES Convention) As long as money is the name of the game, you'll have a tough time proving that. Or what about the government? Does the government believe in free, <u>really</u> free speech? [PAUSE]

Well if not the government, then who? The people? What about the people? And maybe this is what has to be recognized more than anything else. Not as a general suspicion. Not as a vague generality. But in terms of specifics, cases and statistics, examples and illustrations. Perhaps the overriding need for teaching freedom of speech -- <u>if</u> it isn't too late -- is because <u>the people</u> don't believe any more.

Someone in my home was watching an old movie on T. V. a few weeks ago. "Confessions of a Nazi Spy", an old Warner Bros. pre-Second World War propaganda film, and after the spies had been rounded up and the trial was over, Edward G. Robinson, playing an F.B.I. man, sat sipping his coffee and talking to the United States attorney. And you could almost

see the flags waving in the breeze, and hear "America the Beautiful", as Edward G., a lump in his throat, said:

> It can't happen here, because the common man, Mr. Individual Citizen, is ready to fight to defend his Bill of Rights.

It was stirring, it was inspiring -- and it was depressing. Because 200 years later -- Alexander Hamilton's insult is proving correct -- or seems to be. The people is a great beast, or seems to be. And in this particular instance, a beast that has abdicated its right of free speech.

In return for what? I don't know.

I am reminded of Mussolini's comments to the interviewer, Ludwig, about the people.

> When political matters are discussed... they listen to a sentence or two and then switch off. Nobody studies politics. The people do not want to rule, but to be ruled and left in peace. (Ivone Kirkpatrick, Mussolini, A Study in Power, N.Y.: Hawthorn Books, 1964, p. 158.)

Am I exaggerating? Am I being overly dramatic? Am I paranoid? Well -- I don't know. But let me leave you with a few facts, about how much the people believe in free speech. Some you may have heard. Some not. Some you may have thought about. Some not. I ask you to think about them. And about all the stories you've heard about the government, and free speech, about the government, and a free press, and think about what Mr. Johnson said yesterday. Think about them all, and discover for me if you will, the peoples' commitment to free speech.

For instance -- this is a circular from the American Civil Liberties Union. An organization, as described by

Franklyn S. Haiman, in his book, Freedom of Speech, "dedicated to defending the freedom of speech clause of the first amendment". (N.Y.: Random House, 1965, P. xiv.) Many people think it is the premier organization fighting this battle. Do you know how many "people" belong to the A.C.L.U.? Out of 200 and some odd million in this country? Less than 200,000 (170,000), less than 1 per cent.

Do you know what this is? This is the newspaper of the Christian Crusade. One of a host of organizations, ULTRA-conservative in nature, that talk a lot about freedom, and liberty, and patriotism, but have an uncanny record of calling for actions that sound an awful lot like censorship, and the limitation of the freedom of speech. How many people receive this one organization's newspaper each week? You guessed it. About the same number as belong to the A.C.L.U. In fact they claim a quarter of a million. 50,000 more than the A.C.L.U.

Do you know what this is? These are the Nielsen T. V. ratings for the week of [current listing used]. The top programs? [Top programs were listed and ratings given. A typical list of detective shows, situation comedies, etc.] (A. C. Nielsen Co., News Release, "Top Sponsored Network Television Programs".) What about public affairs programming? What about documentaries? What about "Meet the Press" and "Issues and Answers"? I don't know. Because they aren't on here. Because they are not top programs. But I do know that a documentary that gets a rating of ten is doing well. The people? They would rather watch "Bridget Loves Bernie" than

an informative program any day.

Have you ever seen this book? The Engineering of Restraint, The Nixon Administration and the Press. (Fred Powledge, Washington, D. C.: Public Affairs Press.) This isn't a new book. It came out in 1971. It is about events that occurred in 1969 and 1970. It names names, gives dates, and cites cases. What did "the people" do when this book appeared, detailing attacks on their first amendment privileges? You know what "the people" did. "The people" did nothing!

But the people -- or at least some of them, have done something about the freedom of speech. They have renamed it. If the person doing the talking is somebody you disagree with, and especially if he has long hair and is young, and disagrees with government policies, you don't talk about his freedom of speech, you talk about his freedom of screech -- and you do it with derision.

But these are still isolated examples and maybe I'm being unfair to the people. Maybe I am paranoid. Maybe I am wrong. And if I am -- I hope these figures are wrong also. On Tuesday, April 14, 1970, the C.B.S. television network, on its program "60 Minutes" reported a poll taken to determine the peoples' commitment to the Bill of Rights. The results: 76% disagreed with the right to assemble peacefully and to petition the government for a redress of grievances. A majority, 45% to 42%, took a stand in favor of government control over what news stories can be broadcast on radio and T. V.

58% believe in preventive detention, and,

54% don't believe all citizens should have the right to criticize the government.

What do the people believe in? I don't know. I had heard for years of people, usually young people, presenting the Bill of Rights, or the Declaration of Independence as a modern petition, and getting mainly abuse for their troubles. I leave you with this. On July 1, 1971 -- note the date, July First, my local newspaper stationed a reporter downtown in front of our largest department store, with a complete neatly typed copy of the Declaration of Independence. Not the Bill of Rights, but I think the parallel is worth reporting. Attached to the document was a petition headed by this phrase:

> We the undersigned, firmly support the basic rules of government set forth in the attached statement, and strongly urge our legislators to do so in their dealings with other nations and the American people.

The petition was being circulated by a group of "concerned citizens".

The results? Only 10 per cent of the people who looked at the document recognized it. Most of those who did sign it, didn't read it. One person shoved the reporter. The reporter was female incidentally. Another told her, "I fought in Viet Nam to fight Commies like you". A man in uniform said he agreed with the document, though he did not recognize it, but he wouldn't sign because the Government was in the process of running a security check on him. And one 18 year old, who did read the document -- wouldn't sign it -- because "he

didn't agree with any of it".

I wish I had some stirring conclusion for this little talk. Some note of hope to balance that last quote. I don't.

Suggested Solutions for Possible Discussion:

1. Teach
2. Access
3. Clevenger solution
4. Government channel and opposition channel
5. More local referendums (scary without education)
6. Sunshine law -- Georgia -- legislatures and legislative committees.

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